

Exhibit 1

From: [Jarrett L. Ellzey](#)
To: [Tal J Lifshitz](#); [Leigh S. Montgomery](#); [Benjamin Widlanski](#)
Cc: [Tommy Kherkher](#); [Alex Kykta](#); [Jeffrey Neiman](#); [Jason Mays](#); [Rachel Sullivan](#); [Jeffrey J Leavitt](#); [Clayton J Schmitt](#); [Gerdes, Lindsay](#); [Seiling, Brad](#); [Shelby O'Brien](#); [Moses, Sarah](#)
Subject: Re: holland v. cryptozoo
Date: Friday, January 12, 2024 2:45:45 PM
Attachments: [image001.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image020.png](#)
[image021.png](#)
[image023.png](#)
[image025.png](#)
[image004.png](#)

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Tal,

Thank you for pointing that out – we will be sure to copy all counsel. We are preparing for trial Tuesday and are a bit scrambled. I responded to your last email believing all parties were copied. My mistake.

Strobel counsel is opposed to the MFL. As for the amended MFL/complaint, the amendment will knock out the first motion for leave, so there is no need to withdraw it, unless I am missing a quirky local rule. The proposed complaint we are filing soon is exactly like the version you have now, only we are adding additional plaintiffs. Thus, there is nothing for me to highlight for you. And, again, the claims are the same. You already have the complaint in hand, so there is no reason for me to send you the new one unless you insist.



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American Board
of Trial Advocates



From: Tal J Lifshitz <tjl@kttlaw.com>

Date: Friday, January 12, 2024 at 1:34 PM

To: Jarrett L. Ellzey <Jarrett@ellzeylaw.com>, Leigh S. Montgomery <Leigh@ellzeylaw.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>, Clayton J Schmitt <cschmitt@kttlaw.com>, Gerdes, Lindsay <Lindsay.Gerdes@dinsmore.com>, Seiling, Brad <BSeiling@manatt.com>, Shelby O'Brien <sobrien@enochkever.com>, Moses, Sarah <SMoses@manatt.com>

Subject: RE: holland v. cryptozoo

Jarrett,

I've looped in co-defense counsel. I'd request that moving forward you please reach out to us collectively on conferral issues. Relatedly, can you clarify: are you withdrawing your currently pending motion to amend, and filing a new motion for leave to amend a complaint with the same claims but additional plaintiffs? Or will there be additional claims as well? If you can send us a copy of the proposed pleading - highlighting the differences - that would be excellent. Then we can, if necessary, provide a time to discuss. Also, kindly let us know which defendant has already opposed, and whether they have opposed this most recent request, or if you're relying on this defendant's original opposition.

TAL J. LIFSHITZ, ESQ. | PARTNER



[Firm Bio](#) | [Personal LinkedIn](#) | [KTT LinkedIn](#)

2525 Ponce de Leon Boulevard, Floor 9, Miami, Florida 33134

Phone [305.372.1800](tel:305.372.1800) | **Direct** [305.728.2959](tel:305.728.2959) | **Email** tjl@kttlaw.com **From:** Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Sent: Friday, January 12, 2024 11:33 AM

To: Tal J Lifshitz <tjl@kttlaw.com>; Leigh S. Montgomery <Leigh@ellzeylaw.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Rachel Sullivan <rs@kttlaw.com>; Jeffrey J Leavitt <jleavitt@kttlaw.com>; Clayton J Schmitt <cschmitt@kttlaw.com>

Subject: Re: holland v. cryptozoo

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Tal,

We will be filing an amended motion for leave to add additional plaintiffs to our proposed

amended complaint. Please let us know as soon as possible if you are available to confer today or Monday. As we have explained, one defendant is already opposed to the amendment. However, you expressed interest in discussing the allegations (which you now have save a few plaintiffs), we can do so today or Monday.

Thank you very much for your attention to this matter.



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From: Tal J Lifshitz <tjl@kttl.com>

Date: Monday, January 8, 2024 at 12:15 PM

To: Leigh S. Montgomery <Leigh@ellzeylaw.com>, Benjamin Widlanski <bwidlanski@kttl.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Rachel Sullivan <rs@kttl.com>, Jeffrey J Leavitt <jleavitt@kttl.com>, Clayton J Schmitt <cschmitt@kttl.com>

Subject: RE: holland v. cryptozoo

Leigh, we disagree with your characterization of events. We'll be responding to your motion shortly.

TAL J. LIFSHITZ, ESQ. | PARTNER



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Firm Bio | **Personal LinkedIn** | **KTTL LinkedIn**

From: Leigh S. Montgomery <Leigh@ellzeylaw.com>

Sent: Monday, January 8, 2024 12:18 PM

To: Tal J Lifshitz <tjl@kttl.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Rachel Sullivan <rs@kttlaw.com>; Jeffrey J Leavitt <jleavitt@kttlaw.com>; Clayton J Schmitt <cschmitt@kttlaw.com>
Subject: Re: holland v. cryptozoo

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Counsel,

We have conferred with you about our motion and its contents, but you never provided a response. Instead, you cancelled your conference set for 1/4 and are (I assume from your message below) refusing to confer today. Furthermore, instead of conferring with us on the date and time agreed upon, your client chose to file an answer before his extended deadline to do so and take actions to undermine our clients' legal claims.

Our certificate of conference in our motion accurately reflects the status of your failure to respond. We would be happy to file an amendment to that certificate, should you choose to provide a position on the motion. The proffered amendment was to address your failure to respond to our conference. We are still available today to discuss further.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

 Ellzey & Associates
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From: Tal J Lifshitz <tjl@kttlaw.com>

Date: Monday, January 8, 2024 at 10:46 AM

To: Leigh S. Montgomery <Leigh@ellzeylaw.com>, Benjamin Widlanski <bwidlanski@kttlaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>, Clayton J Schmitt <cschmitt@kttlaw.com>

Subject: RE: holland v. cryptozoo

Leigh, thanks for following up. As we previously explained, the purpose of this afternoon's call was to confer on your motion. In light of your filing, that is now moot. We appreciate your offer to file an amended certificate, however under the circumstances that will not address the failure to confer. We will respond to your motion shortly.

TAL J. LIFSHITZ, ESQ. | PARTNER



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From: Leigh S. Montgomery <Leigh@ellzeylaw.com>

Sent: Monday, January 8, 2024 10:17 AM

To: Tal J Lifshitz <tjl@kttl.com>; Benjamin Widlanski <bwidlanski@kttl.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Rachel Sullivan <rs@kttl.com>; Jeffrey J Leavitt <jleavitt@kttl.com>

Subject: Re: holland v. cryptozoo

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Good morning,

We are available if you would like to discuss this afternoon at 4 ET (3 CDT). Obviously, we proceeded with our filing on Friday given we had opposition already from another Defendant. We would file an amended certificate of conference in accordance with any further conference on this issue.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

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From: Tal J Lifshitz <tjl@kttl.com>

Date: Friday, January 5, 2024 at 7:35 PM

To: Benjamin Widlanski <bwidlanski@kttl.com>, Leigh S. Montgomery <Leigh@ellzeylaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Rachel Sullivan <rs@kttl.com>, Jeffrey J Leavitt <jleavitt@kttl.com>

Subject: RE: holland v. cryptozoo

Leigh, following up on Ben's below note. Can we confirm Monday's 4 pm est call? If you still intend to move to amend, we need to confer on that, as well as see the proposed pleading so we can meaningfully consider your request.

TAL J. LIFSHITZ, ESQ. | PARTNER



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Firm Bio | **Personal LinkedIn** | **KTTL LinkedIn**
<bwidlanski@kttl.com>

From: Benjamin
Widlanski

Sent: Wednesday, January 3, 2024 12:43 PM

To: Leigh S. Montgomery <Leigh@ellzeylaw.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Tal J Lifshitz <tjl@kttl.com>; Rachel Sullivan <rs@kttl.com>; Jeffrey J Leavitt <jleavitt@kttl.com>

Subject: RE: holland v. cryptozoo

Leigh,

I don't think that noting that we're opposed is correct, as I don't think we have enough information to make a determination as to whether or not we are opposed. That's why, as we discussed before the holiday, we think a telephonic meet and confer is appropriate and should be held. If Monday doesn't work for you, please let us know another time that does.

Best,
Ben

From: Leigh S. Montgomery <Leigh@ellzeylaw.com>

Sent: Wednesday, January 3, 2024 11:54 AM

To: Benjamin Widlanski <bwidlanski@kttl.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Tal J Lifshitz <tjl@kttl.com>; Rachel Sullivan <rs@kttl.com>; Jeffrey J Leavitt <jleavitt@kttl.com>
Subject: Re: holland v. cryptozoo

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We can have a call on Monday, however, we are going to proceed with filing our amended complaint. It has been several months since mediation [REDACTED]. Our clients are ready to proceed. We will note Defendants as opposed to our motion for leave. If your day opens back up tomorrow, let me know.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

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From: Benjamin Widlanski <bwidlanski@kttl.com>

Date: Wednesday, January 3, 2024 at 9:34 AM

To: Leigh S. Montgomery <Leigh@ellzeylaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Tal J Lifshitz <tjl@kttl.com>, Rachel Sullivan <rs@kttl.com>, Jeffrey J Leavitt <jleavitt@kttl.com>

Subject: RE: holland v. cryptozoo

Leigh,

Unfortunately, my calendar has filled up since I sent that note – could we push this call to Monday afternoon? Does 4pm est/3pm cst work?

Best,
Ben

From: Leigh S. Montgomery <Leigh@ellzeylaw.com>
Sent: Wednesday, January 3, 2024 10:02 AM
To: Benjamin Widlanski <bwidlanski@kttlaw.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>
Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Tal J Lifshitz <tjl@kttlaw.com>; Rachel Sullivan <rs@kttlaw.com>; Jeffrey J Leavitt <jleavitt@kttlaw.com>
Subject: Re: holland v. cryptozoo

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3pm ET (2 pm CDT) is fine for tomorrow. Let me know if we should send a call-in number or if we can just call you directly.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

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From: Benjamin Widlanski <bwidlanski@kttlaw.com>
Date: Friday, December 29, 2023 at 8:26 AM
To: Leigh S. Montgomery <Leigh@ellzeylaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>
Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Tal J Lifshitz <tjl@kttlaw.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>
Subject: RE: holland v. cryptozoo

Leigh, that's fine on our end. I have a 4pm est call on the 4th, so if we can do it at 3pm, that would be preferable.

Thanks, and happy holidays.
Ben

From: Leigh S. Montgomery <Leigh@ellzeylaw.com>
Sent: Friday, December 22, 2023 3:01 PM
To: Jarrett L. Ellzey <Jarrett@ellzeylaw.com>; Benjamin Widlanski <bwidlanski@kttlaw.com>
Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Tal J Lifshitz <tjl@kttlaw.com>; Rachel Sullivan <rs@kttlaw.com>; Jeffrey J Leavitt <jleavitt@kttlaw.com>
Subject: Re: holland v. cryptozoo

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Does January 4th in the afternoon work? That gives us a couple of days back from the holidays to reorient ourselves.

Many Regards,

/s/ Leigh S. Montgomery

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Senior Attorney

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From: Jarrett L. Ellzey <Jarrett@ellzeylaw.com>
Date: Friday, December 22, 2023 at 1:47 PM
To: Benjamin Widlanski <bwidlanski@kttlaw.com>, Leigh S. Montgomery <Leigh@ellzeylaw.com>
Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Tal J Lifshitz <tjl@kttlaw.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>
Subject: Re: holland v. cryptozoo

Great, thank you Ben. Let us know what day might be good for a call.

Happy Holidays!



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From: Benjamin Widlanski <bwidlanski@kttlaw.com>

Date: Friday, December 22, 2023 at 1:39 PM

To: Leigh S. Montgomery <Leigh@ellzeylaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Tal J Lifshitz <tjl@kttlaw.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>

Subject: RE: holland v. cryptozoo

Let's put a call on the calendar for right after the holidays to discuss. Don't stress about time. [REDACTED]

From: Leigh S. Montgomery <Leigh@ellzeylaw.com>

Sent: Friday, December 22, 2023 9:43 AM

To: Benjamin Widlanski <bwidlanski@kttlaw.com>; Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>; Alex Kykta <alex@ellzeylaw.com>; Jeffrey Neiman <jneiman@mnrlawfirm.com>; Jason Mays <jmays@mnrlawfirm.com>; Tal J Lifshitz <tjl@kttlaw.com>; Rachel Sullivan <rs@kttlaw.com>; Jeffrey J Leavitt <jleavitt@kttlaw.com>

Subject: Re: holland v. cryptozoo

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Counsel,

As explained in my previous email, Plaintiff intends to file a motion for leave to amend the complaint to add the additional claimants and claims under the federal securities law.

[REDACTED] . If that is correct, then we will be filing our motion for leave and prior to 1/15/24 [REDACTED].

Let me know if I am mistaken [REDACTED]. Given the upcoming holidays, I wanted to ensure we had time to discuss/confer further if necessary. Otherwise, let me know Defendant's position on our motion for leave.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

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From: Leigh S. Montgomery <Leigh@ellzeylaw.com>

Date: Monday, December 18, 2023 at 4:55 PM

To: Benjamin Widlanski <bwidlanski@kttlaw.com>, Jarrett L. Ellzey <Jarrett@ellzeylaw.com>

Cc: Tommy Kherkher <tom@attorneytom.com>, Alex Kykta <alex@ellzeylaw.com>, Jeffrey Neiman <jneiman@mnrlawfirm.com>, Jason Mays <jmays@mnrlawfirm.com>, Tal J Lifshitz <tjl@kttlaw.com>, Rachel Sullivan <rs@kttlaw.com>, Jeffrey J Leavitt <jleavitt@kttlaw.com>

Subject: Re: holland v. cryptozoo

Good afternoon,

Jarrett, Alex and I are currently in a mediation. We can agree to an extension on your answer. [REDACTED], we are also going to seek leave and amend the complaint. We will confer further on this as we are ready to file, but wanted to let you know.

Many Regards,

/s/ Leigh S. Montgomery

Leigh S. Montgomery
Senior Attorney

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